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6

Attorneys for Nominal Defendant
7 BROCADE COMMUNICATIONS SYSTEMS, INC.

8
9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 IN RE BROCADE COMMUNICATIONS
SYSTEMS, INC. DERIVATIVE
14 LITIGATION

Case No. C 05-02233 CRB

**STIPULATION AND ~~PROPOSED~~ ORDER
TO CONTINUE FINAL APPROVAL
HEARING TO MARCH 7, 2008**

15 This Document Relates to:

16 ALL ACTIONS
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20 **WHEREAS**, on August 10, 2006, plaintiffs Stephen Knee, Robert Galluscio, William
21 Pratt, and Anjani K. Jha, nominal defendant Brocade Communications Systems, Inc., individual
22 defendants Antonio Canova, Michael Klayko, Seth D. Neiman, Neal Dempsey, Christopher B.
23 Paisley, David L. House, Nicholas G. Moore, L. William Krause, Sanjay Vaswani, Robert R.
24 Walker, Mark Leslie, Paul Bonderson, Larry W. Sonsini, William K. O'Brien and Michael J.
25 Byrd, and defendant KPMG, LLP (the "Parties") entered into an Amended Stipulation of
26 Settlement (the "Amended Stipulation") to settle the derivative Actions;

27 **WHEREAS**, on August 10, 2006, the Parties submitted the Amended Stipulation to this
28 court for preliminary approval;

1.

**STIPULATION & ~~PROPOSED~~ ORDER TO
CONTINUE FINAL APPROVAL HEARING
CASE NO. C 05-02233 CRB**

1 **WHEREAS**, on February 14, 2007, the Court issued an Order granting preliminary
2 approval of the Amended Stipulation, setting a hearing for final approval to be held on April 27,
3 2007, and providing that Notice of the Amended Stipulation be provided to shareholders no later
4 than March 23, 2007;

5 **WHEREAS**, on April 27, 2007, the Court issued an Order continuing the hearing for final
6 approval to August 24, 2007, rescheduling associated deadlines accordingly, and dismissing
7 KMPG from the action without prejudice;

8 **WHEREAS**, the Court issued subsequent Orders continuing the hearing for final approval
9 to November 1, 2007, December 21, 2007 and February 8, 2008;

10 **WHEREAS**, the following are currently scheduled with the Court:

- 11 1. The hearing for final approval is February 8, 2008;
- 12 2. A case management conference ("CMC") is scheduled for February 8, 2008;
- 13 3. Briefs regarding the parties' position on settlement are currently due January 24,
14 2008, with any reply papers to be filed by January 29, 2008;

15 **WHEREAS** the Parties wish to continue the February 8, 2008 final approval hearing and
16 CMC for a period of twenty-nine (29) days to permit additional discussions;

17 **WHEREAS**, the Parties understand that 10:00 a.m. on March 7, 2008, is available on the
18 Court's calendar, the Parties are also available on this date and they request it;

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2.

**STIPULATION & [PROPOSED] ORDER TO
CONTINUE FINAL APPROVAL HEARING
CASE NO. C 05-02233 CRB**


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Now, THEREFORE, the Parties hereby stipulate as follows:

- 1. The final approval hearing and CMC currently scheduled for February 8, 2008, shall be rescheduled to 10:00 a.m. on March 7, 2008, (the "Hearing Date") and associated deadlines shall be rescheduled accordingly;
- 2. Any briefs outlining a Party's position on the Stipulation shall be filed by February 21, 2008; and
- 3. Reply briefs shall be filed by February 26, 2008.

Dated: December 21, 2007

FARUQI & FARUQI, LLP


Adam Gonnelli

Co-Lead Counsel For Plaintiffs

Dated: December __, 2007

COOLEY GODWARD KRONISH LLP

Grant P. Fondo
Attorneys For Nominal Defendant,
Brocade Communications Systems, Inc.

3. STIPULATION & [PROPOSED] ORDER TO
CONTINUE FINAL APPROVAL HEARING
CASE No. C 05-02233 CRB

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3. Reply briefs shall be filed by February 26, 2008.

FARUQI & FARUQI, LLP

Co-Lead Counsel For Plaintiffs

COOLEY GODWARD KRONISH LLP

Attorneys For Nominal Defendant,
Brocade Communications Systems, Inc.

COOLEY GODWARD
KRONISH LLP
ATTORNEYS AT LAW
PALO ALTO

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Dated: December 21, 2007

HELLER EHRMAN LLP

/s/
Alexander Lyon

Attorneys For Defendant Antonio Canova

Dated: December 21, 2007

WILMER CUTLER PICKERING HASLE &
DORR LLP

/s/
Jeffrey B. Rudman

Attorneys For Defendant Seth Neiman

Dated: December ___, 2007

K&L GATES LLP

Jeffrey L. Bornstein
Attorneys For Defendant Neal Dempsey

Dated: December ___, 2007

SHEARMAN & STERLING LLP

Stephen D. Hibbard
Attorneys For Defendants
Christopher B. Paisley, David L. House,
Nicholas G. Moore, Michael Klayko, L.
William Krause, Sanjay Vaswani, and Robert
R. Walker

4. STIPULATION & [PROPOSED] ORDER TO
CONTINUE FINAL APPROVAL HEARING
CASE NO. C 05-02233 CRB

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Dated: December ___, 2007

HELLER EHRMAN LLP

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5

Alexander Lyon

6

Attorneys For Defendant Antonio Canova

7

Dated: December ___, 2007

WILMER CUTLER PICKERING HASLE &
DORR LLP

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Jeffrey B. Rudman

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Attorneys For Defendant Seth Neiman

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Dated: December 20, 2007

K&L GATES LLP

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16


Jeffrey L. Bornstein

Attorneys For Defendant Neal Dempsey

17

18

Dated: December ___, 2007

SHEARMAN & STERLING LLP

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Stephen D. Hibbard

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23

Attorneys For Defendants
Christopher B. Paisley, David L. House,
Nicholas G. Moore, Michael Klayko, L.
William Krause, Sanjay Vaswani, and Robert
R. Walker

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STIPULATION & [PROPOSED] ORDER TO
CONTINUE FINAL APPROVAL HEARING
CASE NO. C 05-02233 CRB

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Dated: December __, 2007

HELLER EHRMAN LLP

Alexander Lyon

Attorneys For Defendant Antonio Canova

Dated: December __, 2007

WILMER CUTLER PICKERING HASLE &
DORR LLP

Jeffrey B. Rudman

Attorneys For Defendant Seth Neiman

Dated: December __, 2007

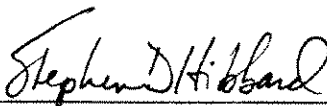
K&L GATES LLP

Jeffrey L. Bornstein

Attorneys For Defendant Neal Dempsey

Dated: December 21, 2007

SHEARMAN & STERLING LLP


Stephen D. Hibbard

Attorneys For Defendants
Christopher B. Paisley, David L. House,
Nicholas G. Moore, Michael Klayko, L.
William Krause, Sanjay Vaswani, and Robert
R. Walker

4. STIPULATION & [PROPOSED] ORDER TO
CONTINUE FINAL APPROVAL HEARING
CASE NO. C 05-02233 CRB

1
2 Dated: December 21, 2007

SKADDEN ARPS SLATE MEAGHER &
FLOM LLP

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5 _____ /s/
Garrett J. Waltzer

6 Attorneys For Defendant
7 Gregory L. Reyes

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11 **[PROPOSED] ORDER**

12 Pursuant to the stipulation of counsel, IT IS SO ORDERED:

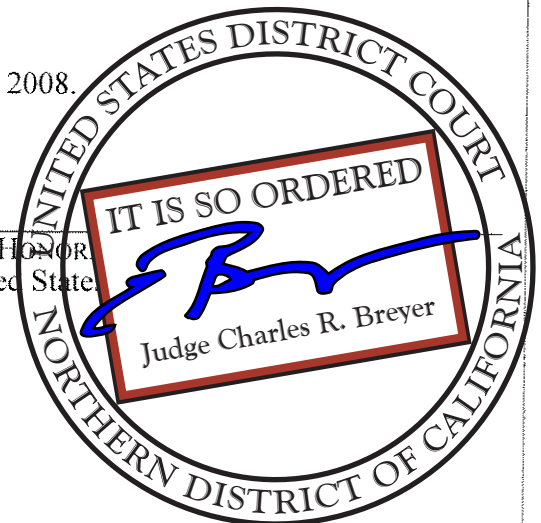
13 1. The hearing on final approval scheduled for February 8, 2008, shall be
14 rescheduled to 10:00 a.m. on March 7, 2007, and the associated deadlines shall be rescheduled
15 accordingly;

16 2. Any briefs outlining a Party's position on the Stipulation shall be filed by
17 February 21, 2008; and

18 3. Reply briefs shall be filed by February 26, 2008.

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20 Dated: December 26, 2007.

21 THE HONORABLE
22 United States



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STIPULATION & [PROPOSED] ORDER TO
CONTINUE FINAL APPROVAL HEARING
CASE No. C 05-02233 CRB

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FILER'S ATTESTATION

Pursuant to General Order No. 45, Section X, Subparagraph B, the undersigned attests that all parties have concurred in the filing of this Stipulation and [Proposed] Order to Continue Final Approval Hearing To March 7, 2008.

Dated: December 21, 2007

COOLEY GODWARD KRONISH LLP

By: _____/s/_____
James M. Penning

765149 v1/PA